



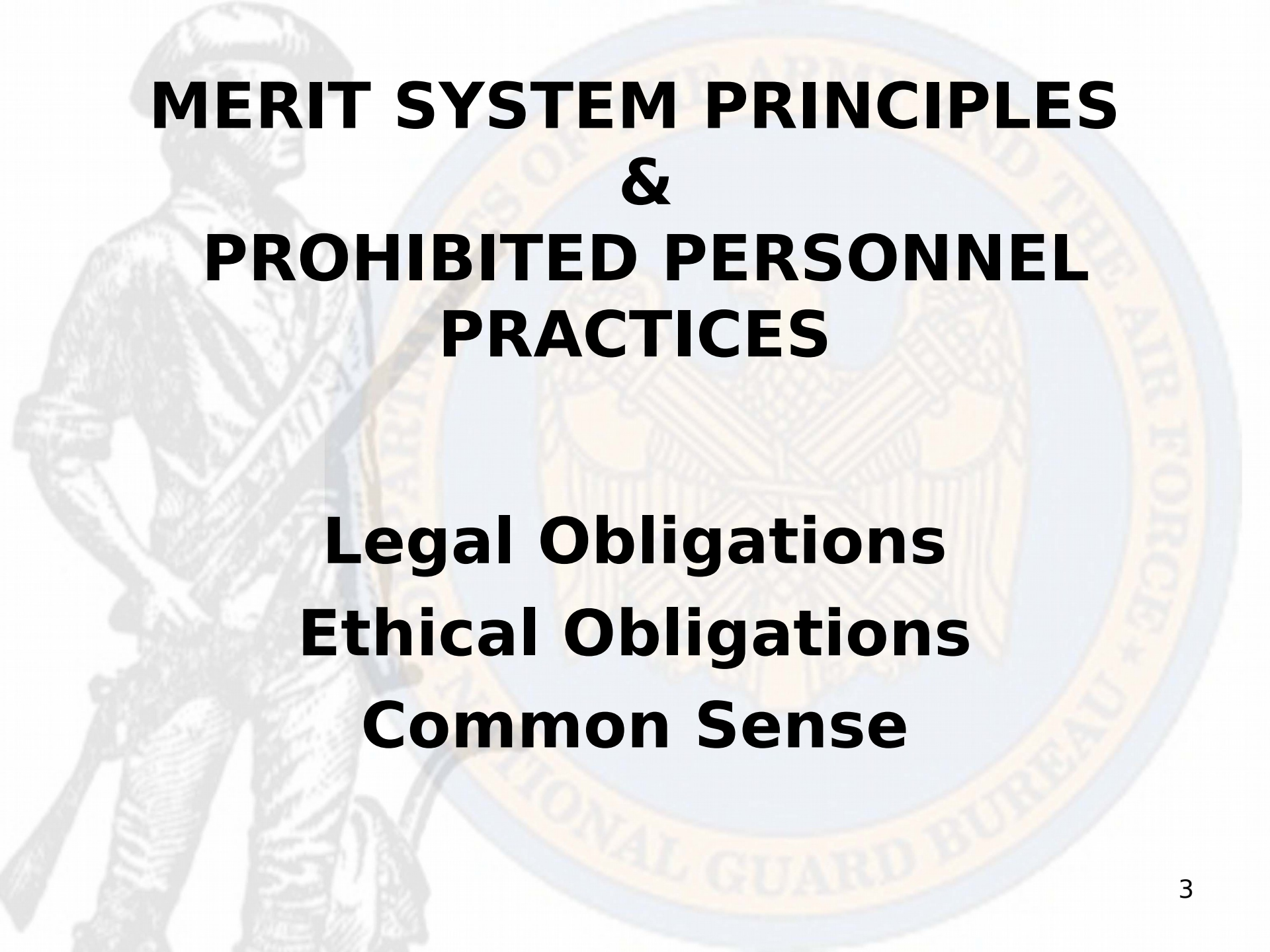
Recruitment and Placement

Module 8

***National Guard
Technician Personnel
Management Course***

Statutory and Regulatory References for Recruiting and Placement

- **5 USC 2301 - Merit System Principles**
- **5 USC 2303 - Prohibited Personnel Practices**
- **NGB Technician Personnel Regulations - TPR 300-series**
- **CFR 300s**
- **Local Merit Placement Plans**
- **Bargaining Unit Agreements**



MERIT SYSTEM PRINCIPLES & PROHIBITED PERSONNEL PRACTICES

**Legal Obligations
Ethical Obligations
Common Sense**



Merit System Principles - 5 USC 2301

-- *Understanding Them and Applying Them*

and

Prohibited Personnel Practices - 5 USC 2302

-- *Recognizing them and Avoiding Them*

Merit System Principles

- **Recruit Qualified Individuals from Appropriate Sources**
- **All Employees and Applicants Should Receive Fair and Equitable Treatment in All Aspects of Personnel Management**
- **Provide Equal Pay for Work of Equal Value**
- **Maintain High Standards of Integrity, Conduct, and Concern for the Public Interest**
- **Manage Employees Efficiently and Effectively**

Merit System Principles

- **Retain or Separate Employees on the Basis of Performance**
- **Educate/Train Employees When It will Result in Better Organizational or Individual Performance**
- **Protect Employees from Arbitrary Action, Personal Favoritism or Coercion for Political Purposes**
- **Protect Employees Against Reprisal for Lawful Disclosure of Information**

Prohibited Personnel Practices

- **Employees who have authority to take, direct others to take, recommend, or approve any personnel action Shall Not . . .**
- **Discriminate For or Against Any Employee or Applicant on the basis of: race, color, religion, sex, national origin, age, handicapping condition, marital status, or political affiliation**

Prohibited Personnel Practices

- **Solicit or Consider any Recommendation or Statement Not Based on Personal Knowledge or on Records of Performance, Ability, Aptitude, General Qualifications, Character, Loyalty or Suitability**
- **Coerce Political Activity of Any Person, or Take Any Action as Reprisal for the Refusal of Any Person to Engage in Political Activity**
- **Deceive or Willfully Obstruct Any Person with Respect to Such Person's Right to Compete for Employment**

Prohibited Personnel Practices

- **Influence a Person to Withdraw from Competition for Any Position**
- **Grant *Any* Preference or Advantage Not Authorized by Law, Regulation, or Rule to Any Employee or Applicant.**
- **Appoint, Employ, Promote, or Advance a Relative**
- **Take or Fail to Take, or Threaten to Take or Fail to Take, a Personnel Action Against a Whistleblower, Whether an Employee or an Applicant**

Prohibited Personnel Practices

- **Retaliate Against Employees or Applicants Who Exercise Their Appeal Rights, Testify, or Cooperate With an Inspector General or Special Counsel, or Refuse to Violate a Law**
- **Discriminate Based on Actions Not Adversely Affecting Performance**
- **Violate Any Law, Rule, or Regulation Implementing or Directly Concerning the Merit System Principles**

OVERSIGHT AGENCIES

- **Office of the Comptroller General, General Accounting Office (CG/GAO)**
- **Equal Employment Opportunity Commission (EEOC)**
- **Office of Special Counsel (OSC)**
- **Office of Personnel Management (OPM)**
- **Department of Defense, Civilian Personnel Management System, Inspector General (DoD/CPMS/IG)**
- **National Guard Bureau (NGB)**

Merit Promotion & Placement

- **Merit Promotion & Placement is the Process We Use to Consider Internal Candidates for Competitive and Non-Competitive Placement**
- **Your State Merit Promotion & Placement Plan and Negotiated Agreement Will Determine Many of the Policies and Procedures in Your State**



Merit Promotion & Placement Plan

Requirement One:

- **Placement Procedures are Available in Writing to the Technicians and Public**
- **Identify Types of Positions, Actions, and Exceptions**
- **Ensure Placement Without Regard to Marital Status, Political Affiliation, or EEO Considerations**

(Use The Local Affirmative Employment Plan For Guidance)

Merit Promotion & Placement Plan

Requirement Two:

- **Identify Broad Areas of Consideration to Ensure Availability of High-quality Candidates**
- **Ensure Technicians, Who are Within the Areas of Consideration but Are Absent For Legitimate Reasons, are Considered for Promotion (e.g., LWOP-US, Mobilization, Detail)**

Merit Promotion & Placement Plan

Requirement Three:

- **Use NGB Qualifications Standards to Evaluate Applicants for Dual-status Positions; USOPM Standards for Non-dual Status Positions**
- **Ensure Candidates Meet Minimum Qualifications Prescribed for the Position**
- **Ensure Procedures Used to Identify, Qualify, Evaluate and Select Candidates are Based on Job-Related Criteria**

Merit Promotion & Placement Plan

Requirement Four:

Management Has the Right to:

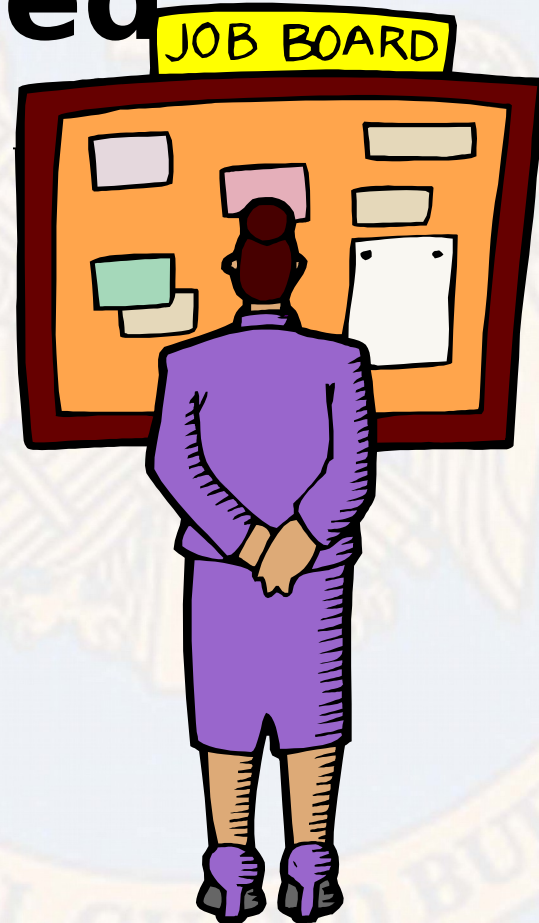
- **Select or Not Select From Properly Referred/Best-Qualified Applicants**
- **Select Candidates from any Appropriate Source Most Likely to Best Meet Mission Objectives**

Merit Promotion & Placement Plan

Requirement Five:

- Maintain Sufficient Records to Reconstruct Each Placement Action**
- Retain Records for a Minimum of Two Years or, if a Grievance is Pending, Until Resolution**

Getting Started



Competitive Procedures

- **Applicable**
- **Non-Applicable**
- **Discretionary**

Competition Is Required

- **Permanent Promotions**
- **Time-Limited (Temporary) Promotions (Over 120 Days)**
- **Detail to Higher Graded Positions (Over 120 Days)**
- **Reinstatement to a Higher Graded Position Than Previously Held**
- **Transfer (From Another Agency) to a Higher Graded Position Than Previously Held**

Competition is Required

- **Reassignment, Demotion, Transfer Or Reinstatement to a Position with Greater Promotion Potential Than Previously Held or Competed**
- **Selection for Training When Training is Required for Promotion**

Competition is Discretionary

**Promotion Resulting From a Position
Upgrade *Provided:***

- **There Are No Other Technicians at the Same Grade, Performing Substantially the Same Function, in the Same Unit**
- **The Technician Continues to Perform Same Basic Function**
- **There is No Adverse Impact on Another Encumbered Position**
- **The Technician Meets Eligibility Requirements**

Competition is Discretionary

- **Placement in a Position With No Higher Promotion Potential Than Previously Held or Competed For**
- **Time Limited Promotions**
- **Details to Higher Graded Positions**
- **Repromotion When Demoted Without Personal Cause or at Own Request**
- **Special Consideration After Failure to Receive Proper Consideration**

Competition is Not Required

- **Promoted Due to Position Upgrades Resulting from the Application of a New Classification Standard or Correction of a Classification Error**
- **May be Appointed, Promoted, Reassigned, Etc. Without Competition if They Have Previously Held the Position Being Filled**

Competition is Not Required

- **If The Promotion is a Career Ladder Promotion and the Original Competition Clearly Established the Promotion Potential**
- **A Promotion is a Result of Accretion of Duties**
- **The Promotion is Temporary Not to Exceed 120 Days**

Non-Competitive Procedures May Apply

**Candidates May Be Reassigned Without
Competition**

When:

- **The Reassignment is to Another Position of the Same Grade With No Known Promotional Potential.**
- **The Reassignment is as a Result of Failure to Meet Requirements of a Performance Improvement Plan**
- **Placement as a Result of Reorganizations, Reductions in Force or Realignments**

Non-Competitive Procedures May Apply

**Candidates May be Reassigned or
Promoted Without
Competition:**

- **When the Candidate Was Denied “Proper Consideration” as Result of an Error**
- **When Exercising Reemployment or Return Rights to a ‘Similar’ Position**
- **When Being Restored to Duty From Workers’ Comp**

SUPERVISORY RESPONSIBILITIES

- **Identify the Knowledge and Skills Needed for Your Organization**
- **Be Aware of Budgetary Constraints**



Supervisory Responsibilities

**Anticipate Vacancies and
Personnel Actions That Will
Support the Transformation of
the National Guard:**

Promotions

Reassignments

Details

Retirements

Resignations

Supervisory Responsibilities

- **Determine how to fill positions**
 - **Permanent, temporary or indefinite**
 - **Full-time or part-time**
- **Complete a Standard Form 52**
- **Send to HRO**

Supervisory Responsibilities

- ♦ **Area of Consideration**
 - **Determine the potential applicant pool and recruitment sources prior to announcement**
 - **Positions are not announced simultaneously as DS and NDS (e.g., excepted versus competitive procedures)**

Supervisory Responsibilities

Initiate the selection process:

- **Conduct interviews as negotiated in your union contract or as defined in the State Merit Promotion and Placement Plan**
- **Apply consistent interview techniques with all candidates**

Uniform Guidelines on Employee Selection Procedures

- **Elements used must be job-related**
- **Apply to both internal and external hiring practices**

Key Interviewing Rules

- **Develop a standardized list of interview questions**
- **Tailor questions relevant to the job**
- **Avoid questions that violate Equal Employment Opportunity laws**
- **Ask open-ended questions**

Hiring Flexibilities:

- **Recruitment Incentive [5 CFR 575]**
- **Referral Incentive [5 CFR 451]**
- **Relocation Incentive [5 CFR 575]**
- **Retention Incentive [5 CFR 575]**
- **Student Loan Repayment [5 CFR 537]**

Hiring Flexibilities

Appointment Above the 'Minimum Entry Rate'

- Superior Qualifications**
- Special Need**

Appointments made above the minimum rate must be approved by the HRO prior to the effective date of the appointment.



Workforce Restructuring, Realignment, Reorganization & Reduction in Force



Reduction In Force (RIF)

**Involuntary loss of job status
due to
organizational changes**

What Causes a RIF

- **Budget Deficits**
- **Force Structure Changes**
- **Unit Deactivations**
- **Unit Relocation**
- **Unit Consolidations or Reorganizations**
- **Aircraft Conversions or Reductions**



Potential Effects of RIF

- **Displacement**
- **Change to Lower Grade**
- **Furloughs - 30 days or more**
- **Separation**

Management Responsibilities

- **Keep managers, supervisors, and their subordinates informed**
- **Determine what positions are needed to perform the continuing mission**
- **Ensure technician personnel records and position descriptions are current and valid**



Workforce Restructuring

the Human Resources Staff Shall:

- Conduct interest surveys and determine retirement eligibility**
- Institute outplacement assistance**
- Accomplish qualifications update and review**

Workforce Restructuring

- **the Human Resources Staff Shall:**
- **Work to avoid or minimize involuntary separations**
- **Use vacancies to place surplus technicians**
- **Obtain Voluntary Early Retirement Authority and Voluntary Separation Incentive funding for those who agree to resign or retire**



Workforce Restructuring the Human Resources Staff Shall:

- **Identify Options Available to Avoid Involuntary Separations**
- **Project Education and Training Requirements of The Remaining Staff**
- **Process Actions in a Timely Manner**

Workforce Restructuring

The Human Resources Staff and Management Shall:

- Conducts a “Needs Analysis Review” of The Organization**
- Identify Positions (Types, Numbers and Locations) That Are/Will Be Excess Because of The Activity’s Revised or Reduced**

“Needs Analysis Review”

- **Options Available to Avoid Involuntary Separations**
- **Education and Training Requirements of The Remaining Staff**
- **Cost/Savings Analysis**

Voluntary Early Retirement Authority (VERA)

Purpose:

- **To Allow Eligible Employees Not Facing Involuntary Separation to Retire Early Creating Vacancies That Can be Filled by Technicians Who Would Otherwise be Separated or Down Graded**

Voluntary Separation Incentive (VSIP)

Purpose:

- **To encourage eligible employees to retire or resign voluntarily for Federal Service**
- **Paid in Lump sum or in bi-weekly service**

Separation Incentives

May Be Used To:

- **Reshape and Reduce The Workforce**
 - **Avoid Need For Involuntary Separation**
 - **Create Vacancies For The Placement Of Technicians Subject to RIF Separations**

May Be Offered Any Time/Location Where:

- **Acceptance Results in Aggregate Net Savings Over a 2-year Period And Where Such Savings Avoids Involuntary Separations**

Separation Incentives

Eligibility and Conditions -

- **Employee cannot be a reemployed annuitant**
- **Employee must be employed for last 12 months**
- **Employee cannot have a pending or approved disability retirement**
- **Employee must be serving on an appointment without time limits**

Separation Incentives

Ineligibility -

- **Occupying a “hard to fill” position**
- **Receiving a retention allowance**
- **Covered by a Service Agreement**
- **Occupying a special salary position**
- **Accepted another Federal position**

Separation Incentives

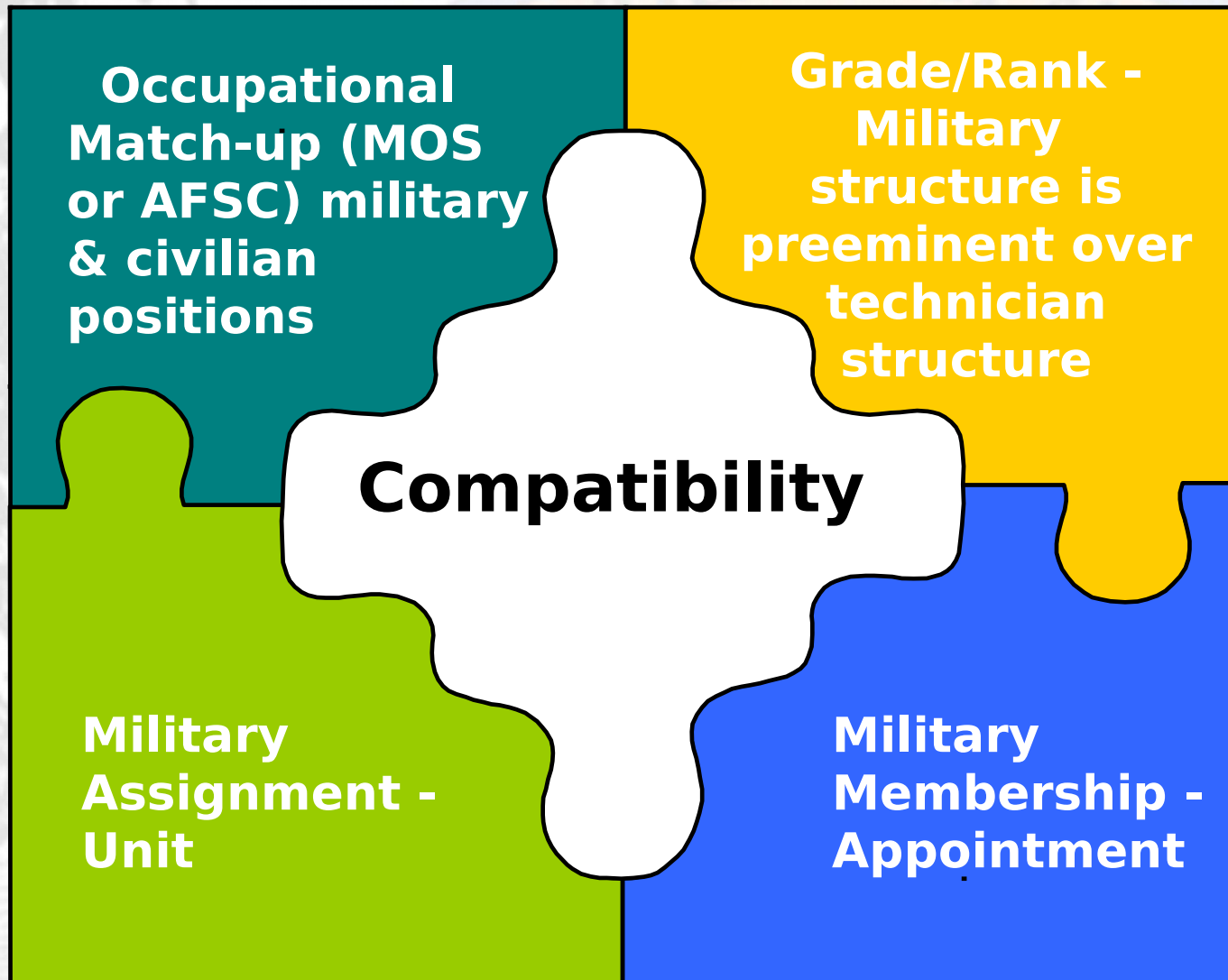
- **Pay incentives to those who voluntarily retire or resign**
- **Lesser of severance pay or \$25K**
- **Offered 30 days before RIF announcement**
- **Creates vacancies for abolishment or placement of surplus technicians**
- **Justified only when/if cost savings result**

REDUCTION IN FORCE (RIF)

Technician benefits:

PERMANENT STATUS

— Grade/Pay	Yes
Retention	Yes
— Severance Pay	Yes
— Retirement	Yes
— Health	Yes
Benefits	Yes
— Life Insurance	Yes
— Thrift Savings	



Compatibility

- **The fundamental precept of the National Guard Military Technician Program is that all Dual Status technicians are required to be members of the National Guard and must have a compatible military assignment**
- **Compatibility is a statutory requirement [32 U.S.C. 709], critical to full-time management**

Compatibility

- **The primary military skill set for a technician position is that of the military core position on the MTOE/TDA/UMDA**
- **This is the position on the MTOE/TDA/UMDA that is aligned with the technician position**

Compatibility

- **Military MOSs and AFSCs are the compatibilities needed to perform the military positions**
- **The MOSs and AFSCs will closely align military qualification requirements required for the technician position**

Compatibility

- **Technicians are required to hold particular MOSs or AFSCs (per the MTOE/TDA/UMDA) for assignment to compatible military positions**
- **Technicians are responsible for obtaining and maintaining the military skill sets required for the technician positions**

Statutory and Regulatory Requirements

- **Title 10, United States Code - Armed Forces**
- **Title 32, United States Code - National Guard**
- **DoD Directive 1205.18 - Full-Time Support (FTS) to the Reserve Components**

Regulatory Compatibility Guidance

- **AFOCD,
Officer
Classification
Directory**
- **Establishes
Air Force
Officer
Structure**
- **Defines
Specialty**

- **AFECD,
Enlisted
Classification
Directory**
- **Establishes Air
Force Enlisted
Structure**
- **Defines
Specialty**

Regulatory Compatibility Guidance

- **AR 611-1 - Military Occupational Classification Structure Development & Implementation Prescribes Officer, Warrant Officer and Enlisted Classification Structures**
- **DA Pam 611-21 * - Military Occupational Classification and Structure**
- **Provides guidance to commanders, personnel managers, proponents, and combat and material developers**

*** Implements the policy contained in AR 611-1**

Compatibility is defined as:

The condition in which the military technicians are assigned to positions in the proper military grades (officer, warrant officer or enlisted) and militarily assigned to the military units (MTOE/TDA/UMDA) that employs them, or to a unit that support other military units

Compatibility

- **The occupational match-up requires compatible military skills that have essentially the same duties in the technician position**
- **Military technicians are assigned to a military position in the same unit in which they are employed or, in a unit that is directly supported by the employing activity when authorized and directed**

Compatibility

- **Must follow military protocol for traditional rank structure (military rank inversion is not permitted)**
- **All dual status technicians must continue to maintain proper military membership (branch of service, grade, occupational specialty, unit of military assignment)**

Position & Rank Assignment Criteria

**Position assignments of officer,
warrant officer
or enlisted incumbency are
commensurate
with the duties and
responsibilities as stated in
AR 611-1, AFOCD, and AFECD**



**Grade
Inversion is
NOT
permitted**

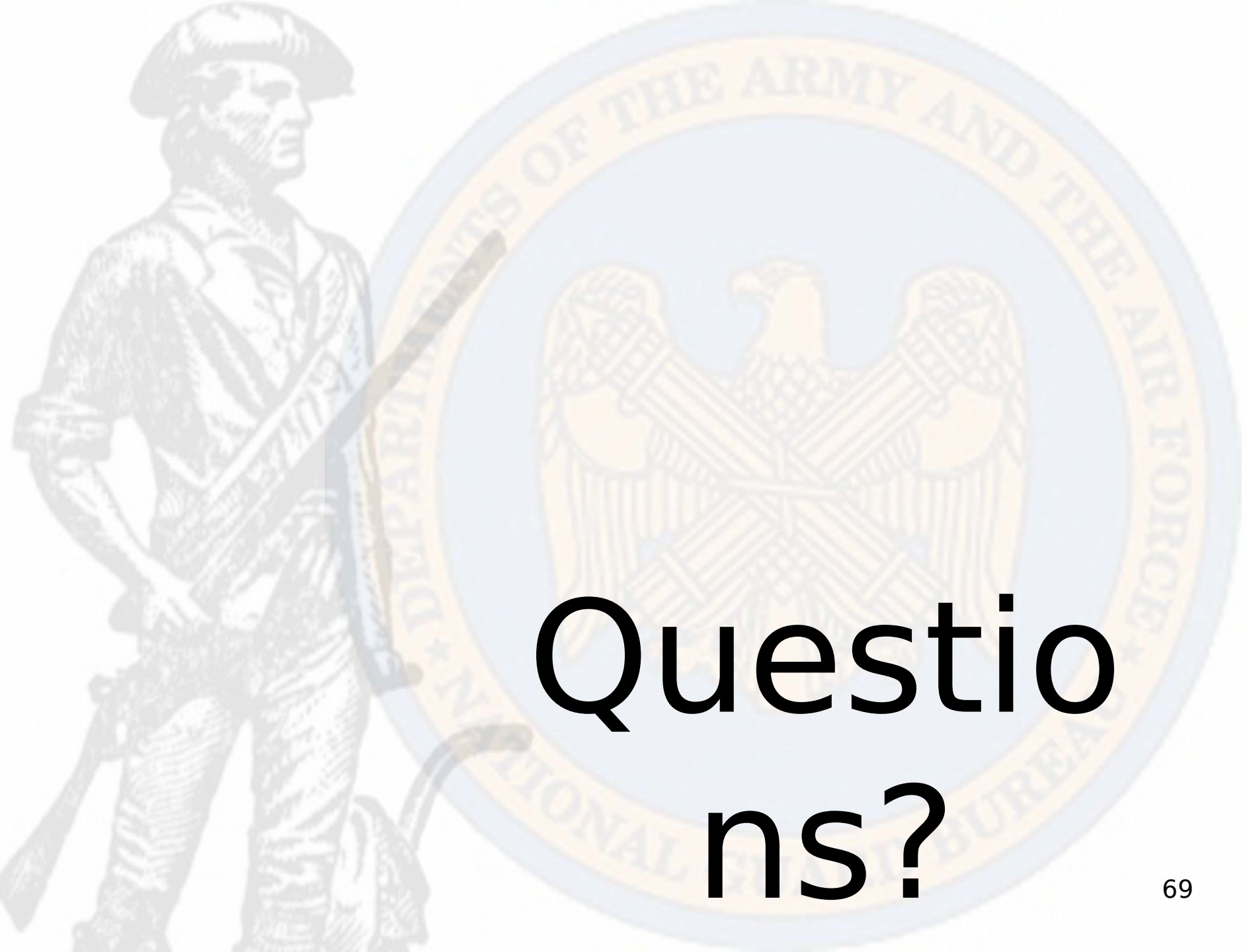
Incompatible Conditions

- **Loss of military membership = separation**
- **Failure to meet a requirement of the position**

**Reference: Technician Personnel Regulation (TPR) 715 -
“Voluntary & Non-disciplinary
Actions”**

Request for an “exception” to compatibility or assignment criteria:

- **Must include an solid **justification** as to why current criteria is insufficient to meet the units needs.**
- **Must be comprehensive enough to allow TAG to understand the rationale for proposed action**
- **Must include recommendation or proposed resolution**
- **See Compatibility Guide for**



Questions?